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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/752,330 | 12/29/2000 | Ravindra R. Mantena | YOR920000552US1 | 8671 |
| 23405 | 7590 | 07/23/2004 | EXAMINER | |
| HESLIN ROTHENBERG FARLEY & MESITI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203 | | | | GART, MATTHEW S |
| ART UNIT | | PAPER NUMBER | | |
| | | 3625 | | |

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|----------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/752,330 | RAVINDRA R. MANTENA |
| | Examiner Matthew S Gart | Art Unit 3625 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on June 4, 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claims 1-36 are pending in the instant application. Claims 1, 13 and 25 were amended via the Attorney's remarks filed June 4, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 9-15, 21-27 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al. U.S. Patent No. 6,338,050.

Referring to claim 1. Conklin et al. discloses a method of providing an entitled price in an electronic transaction comprising:

- Electronically sending by a requestor a request for an entitled price based on a preexisting entitlement from a public electronic environment (at least column 23, lines 19-36, "Thus, the present invention enables the collection and storing of negotiations and results data in a highly secure hosting environment over a public network");
- Automatically routing the request to a private electronic environment (at least column 18, lines 38-47, "The present invention allows the creation of one or more

sponsored communities of any number of types for conducting iterative negotiations over a network. As seen in FIG. 1a, the network used is the present-day Internet with TCP-IP protocols and formats, but those skilled in the art will appreciate that it could also be implemented on any future open network(s) which might replace or supplement the Internet, or it could be implemented inside current, private networks within a corporation, if desired”);

- Obtaining the entitled price within the private electronic environment while the requestor waits (at least Abstract, “...allows a seller/participant to use remote authoring templates to create a complete Website for immediate integration and activation in the community, to evaluate proposed buyer orders and counteroffers, and to negotiate multiple variables such as price, terms, conditions, etc., iteratively with a buyer.”); and
- Automatically returning the entitled price from the private electronic environment to the public electronic environment for providing to the requestor (at least Abstract).

Referring to claim 2. Conklin et al. further discloses a method wherein the public electronic environment comprises:

- A front end application (at least column 11, line 60 to column 12, line 14);
- Wherein the private electronic comprises a back end Enterprise Resource Planning (ERP) application, wherein the electronically sending comprises electronically sending by the requestor the request via the front end application, wherein the automatically routing comprises automatically routing the request to

the ERP application, wherein the obtaining comprises obtaining the entitled price from the ERP application while the requestor waits, and wherein the automatically returning comprises automatically returning the entitled price from the ERP application to the front end application for providing to the requestor (at least Abstract).

Referring to claim 3. Conklin et al. further discloses a method wherein the automatically routing and the automatically returning are accomplished at least in part by messaging middleware.

Referring to claim 9. Conklin et al. further discloses a method wherein the public electronic environment comprises a global computer network, and wherein the front end application comprises a browser (at least column 2, lines 3-11).

Referring to claim 10. Conklin et al. further discloses a method wherein the electronic transaction takes place at least partially over the global computer network, wherein the electronically sending comprises electronically sending the request from the browser to a global computer network site server, and wherein the automatically routing comprises:

- Forwarding the request from the global computer network site server to messaging middleware (at least column 20, line 61 to column 21, line 18);
- Sending the request from the messaging middleware to the ERP application (at least column 20, line 61 to column 21, line 18); and
- Causing by the messaging middleware a command to be issued to the ERP application (at least column 20, line 61 to column 21, line 18).

Referring to claim 11. Conklin et al. further discloses a method wherein the automatically returning comprises:

- Sending the entitled price from the ERP application to the messaging middleware (at least column 20, line 61 to column 21, line 18);
- Forwarding the entitled price from the messaging middleware to the global computer network site server (at least column 20, line 61 to column 21, line 18); and
- Returning the entitled price from the global computer network site server to the browser (at least column 20, line 61 to column 21, line 18).

Referring to claim 12. Conklin et al. further discloses a method comprising encrypting and decrypting communications between the browser and the global computer network site (at least column 33, line 48-64).

Referring to claims 13-15 and 21-24. Claims 13-15 and 21-24 are rejection by the same rationale set forth above in claims 1-3 and 9-12.

Referring to claims 25-27 and 33-36. Claims 25-27 and 33-36 are rejected by the same rationale set forth above in claims 1-3 and 9-12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8, 16-20, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin et al. U.S. Patent No. 6,338,050 in view of Multiplatforms.

Referring to claim 4-8. Conklin discloses a method according to claim 3 as indicated supra. Conklin further discloses a method wherein the automatically returning is accomplished via a plurality of messaging middleware systems.

Conklin does not expressly disclose a method wherein the messaging middleware comprises MQSERIES, MSMQ and the ESP application comprises BAAN. Multiplatforms teach that enterprise software vendors have come to support multiple platforms (Multiplatforms: page 2). The examiner notes, the specific type of middleware being utilized by the instant invention does not act to distinguish the instant invention in terms of patentability. Numerous middleware applications and ESP configurations could have been implemented and successfully utilized. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Conklin to have included various middleware applications and ESP configurations as discussed above because multiple platform support from ERP vendors and greater platform interoperability means that manufacturing managers can consider a wider range of applications (Multiplatforms: page 3).

Referring to claims 16-20. Claims 16-20 are rejection by the same rationale set forth above in claims 4-8.

Referring to claims 28-32. Claims 28-32 are rejected by the same rationale set forth above in claims 4-8.

Response to Arguments

Applicant's arguments concerning claims 1-36 have been fully considered but they are not persuasive.

The Attorney notes, "Conklin does not disclose electronically sending by a requestor a request for an entitled price based on a preexisting entitlement from a public electronic environment."

The Attorney further notes, Claims 1, 13 and 25 have been amended to expressly recite a limitation previously implied. Claims 1, 13 and 25 have been amended to recite the limitation, "Electronically sending by a requestor a request for an entitled price based on a preexisting entitlement from a public electronic environment."

The Examiner notes, claims 1, 13 and 25 are only concerned with providing the user a price. Claims 1, 13 and 25 do not claim determining an entitled price based on a preexisting entitlement. Furthermore, the fact that the entitled price is based on a preexisting entitlement is not an active step within the method and thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

However, the specification of the instant invention defines an entitled price as a negotiated price between a buyer and one or more sellers of goods. Such negotiated prices are referred to as an entitled price, which is the price a buyer is entitled to for a given item based on an entitlement, such as, for example, a contract with the seller or a promotional offer from the seller.

The Examiner notes, Conklin discloses a method wherein the buying process shown in **FIG. 1g** includes search and evaluate process **70**, which enables a prospective buyer to find companies and their products in the community and investigate their prices, terms and service offerings. If a buyer is interested in opening negotiations with a particular seller, the propose orders processes can be based on catalog prices or desired prices and other terms. In this case the buyer can view a seller's price in a catalog, then negotiate a new price with that seller based on other relevant procurement factors.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

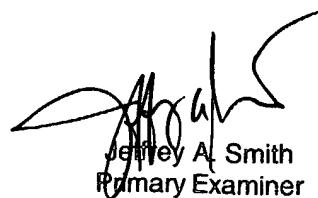
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

July 13, 2004



Jeffrey A. Smith
Primary Examiner